

**Rebecca A. Caley (CA Bar No. 131997)  
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Attorneys for Plaintiff,  
Mercedes-Benz Financial Services

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re ) Case No. 11-13214-AJ 7  
Dean Gregory Asimos, ) Chapter 7  
Debtor. ) Adv. Case No. 14-01017-AJ

Mercedes-Benz Financial Services USA LLC, fka DCFS USA LLC, Plaintiff, } DECLARATION OF REBECCA A. CALEY IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO VACATE CLERK'S ENTRY OF DEFAULT

Dean Gregory Asimos,	DATE:	May 23, 2014
Defendant.	TIME:	10:00 a.m.
	CTRM:	Hon. Alan Jaroslovsky 99 South "E" Street Santa Rosa, CA 95404

I, REBECCA A. CALEY, declare as follows:

1. I am an attorney duly licensed to practice law before this court and all the courts for the State of California and am the principal of the law firm of Caley & Associates, the attorneys of record for plaintiff Mercedes-Benz Financial Services USA LLC, formerly known as DCFS USA LLC ("Plaintiff"). I am the attorney assigned

1 primary responsibility for this case and am therefore the most qualified person to make  
2 this declaration on behalf of this office. I am an individual over the age of 18 years,  
3 with personal knowledge of the facts set forth herein and if called as a witness, I could  
4 and would competently testify hereto.

5 2. On or about April 16, 2014, my office received Notice of Hearing of  
6 defendant Dean Gregory Asimos' ("Defendant") Motion to Vacate Clerk's Entry of  
7 Default in the above-entitled adversary action. The notice states that any opposition  
8 shall be served on all parties and filed with the court at least seven (7) calendar days  
9 prior to the hearing date. A true and correct copy of the Notice of Hearing is attached  
10 hereto marked as **Exhibit "1"** and incorporated herein by this reference.

11 3. On or about May 6, 2014, my office received a Notice of Change of  
12 Address for Defendant's counsel, Sagaria Law, P.C.

13 4. On May 7, 2014 and twice on May 8, 2014, I telephoned Defendant's  
14 counsel, Joe Angelo of Sagaria Law, P.C. and left a message for him that the Notice of  
15 Hearing was defective and invited him to call me to discuss the merits of the case.  
16 However, to date, I have not received a return call from him.

17 I declare under penalty of perjury under the laws of the United States of America  
18 that the foregoing is true and correct.

19 Executed this 9<sup>th</sup> day of May, 2014, at Brea, California.

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22 Rebecca A. Caley  
23 Declarant  
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1 SCOTT J. SAGARIA (BAR # 217981)  
2 JOE ANGELO (BAR # 268542)  
3 SAGARIA LAW, P.C.  
4 333 West San Carlos Street, Suite 620  
5 San Jose, CA 95110  
6 408-279-2288 ph  
7 408-279-2299 fax

8 Attorney for Debtor/Defendant  
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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA – DIVISION 1

In Re:

**DEAN ASIMOS,**

Debtor.

Case No.: 11-13214-AJ

Adv. No. 14-01017-AJ

Chapter 7

**NOTICE OF HEARING**

Mercedes-Benz Financial Services USA LLC,  
fka DCFS USA LLC,

Plaintiff,

v.

Dean Asimos,

Defendant

Date: May 23, 2014  
Time: 10:00am  
Judge: Hon. Judge Jaroslovsky  
Location: 99 South "E" Street  
Santa Rosa, CA 95404

To the United States Bankruptcy Court, the Honorable Judge Jaroslovsky, the  
United States Trustee, Mercedes-Benz Financial Services USA LLC, fka DCFS USA  
LLC, and all other interested parties:

NOTICE IS HEREBY GIVEN that on May 23, 2014, at 10:00 a.m. or as soon  
thereafter as the matter may be heard in the courtroom of Hon. Judge Jaroslovsky of the above-

NOTICE -1-

EXHIBIT "1"

1 referenced court located at 99 South "E" Street Santa Rosa, CA 95404, debtor/defendant Dean  
2 Asimos (hereinafter "Defendant") will move this Court for an Order vacating the entry of  
3 default conditionally entered against Defendant.

4 This matter is being heard on a notice time of twenty-eight (28) days or greater. Any  
5 opposition to this motion, if necessary, shall be in writing and shall be served on all parties and  
6 filed with the court by the responding party at least seven (7) calendar days prior to the date, or  
7 continued date, of the hearing. Opposition shall be accompanied by evidence establishing  
8 factual allegations. Without good cause, no party shall be heard in opposition to the hearing at  
9 oral argument if written opposition to the motion has not been timely filed.

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11 **SAGARIA LAW, P.C.**

12 Dated: April 14, 2014

13 By: /s/ Joe Angelo

14 Joe Angelo  
Attorney for Debtor/Defendant

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NOTICE -2-